

1 ERIC P. ISRAEL (State Bar No. 132426)  
*eisrael@DanningGill.com*  
2 JOHN N. TEDFORD, IV (State Bar No. 205537)  
*jtedford@DanningGill.com*  
3 AARON E. DE LEEST (State Bar No. 216832)  
*adeleest@DanningGill.com*  
4 DANNING, GILL, ISRAEL & KRASNOFF, LLP  
1901 Avenue of the Stars, Suite 450  
5 Los Angeles, California 90067-6006  
Telephone: (310) 277-0077  
6 Facsimile: (310) 277-5735  
  
7 Attorneys for Michael A. McConnell,  
Chapter 11 Trustee

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9 **UNITED STATES BANKRUPTCY COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **NORTHERN DIVISION**

12 In re  
13 HVI CAT CANYON, INC.,  
14 Debtor.

Case No. 9:19-bk-11573-MB

Chapter 11

**NOTICE OF HEARING ON: (1) TRUSTEE'S MOTION FOR ORDER AUTHORIZING THE REJECTION OF ALL CONTRACTS AND AGREEMENTS WITH CALIFORNIA ASPHALT PRODUCTION, INC., FORMERLY KNOWN AS SANTA MARIA REFINING CO. AND GREKA REFINING COMPANY, AND GTL1, LLC., NOT PREVIOUSLY INCLUDED IN PRIOR MOTION TO REJECT (DOCKET NO. 573); AND (2) TRUSTEE'S MOTION FOR ORDER AUTHORIZING THE REJECTION OF OIL PURCHASE CONTRACTS (CONTRACT NO. COP-003 FOR BELRIDGE CRUDE OIL AND ALL AMENDMENTS AND CONTRACT NO. COP-004 FOR RICHFIELD HEAVY CRUDE OIL AND ALL AMENDMENTS) WITH CALIFORNIA ASPHALT PRODUCTION, INC., FORMERLY KNOWN AS SANTA MARIA REFINING CO. AND GREKA REFINING COMPANY**

Date: December 10, 2019  
Time: 11:00 a.m.  
Place: Courtroom 303  
21041 Burbank Boulevard  
Woodland Hills, CA 91367



PLEASE TAKE NOTICE that pursuant to the Court's *Order Granting Application and Setting Hearing on Shortened Notice* (docket no. 590), attached as Exhibit "1" hereto, the Court has set a hearing on the:

(1) *Trustee's Motion for Order Authorizing the Rejection of all Contracts and Agreements with California Asphalt Production, Inc., formerly known as Santa Maria Refining Co. and Greka Refining Company, and GTLI, LLC, Not Previously Included in Prior Motion to Reject* (Docket No. 573) (docket no. 586); and

(2) *Trustee's Motion for Order Authorizing the Rejection of Oil Purchase Contracts (Contract No. COP-003 for Belridge Crude Oil and All Amendments and Contract No. COP-004 for Richfield Heavy Crude Oil and All Amendments) with California Asphalt Production, Inc. formerly known as Santa Maria Refining Co. and Greka Refining Company* (docket no. 573).

The hearing on the motions will be held on **December 10, 2019, at 11:00 a.m.**, in Courtroom "303" of the United States Bankruptcy Court for the Central District of California, located at 21041 Burbank Boulevard, Woodland Hills, California 91367.

Parties may participate by video from Courtroom 202 in the Courthouse located at 1415 State Street, Santa Barbara, California 93101.

Any opposition to the motions and reply thereto may be made orally at the hearing.

DATED: December 5, 2019

DANNING, GILL, ISRAEL & KRASNOFF, LLP

By:



AARON E. DE LEEST  
Attorneys for Michael A. McConnell,  
in Chapter 11 Trustee



**EXHIBIT 1**



<b>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</b>  ERIC P. ISRAEL (State Bar No. 132426) <i>eisrael@DanningGill.com</i> AARON E. DE LEEST (State Bar No. 216832) <i>adeleest@DanningGill.com</i> SONIA SINGH (State Bar No. 311080) <i>ssingh@DanningGill.com</i> DANNING, GILL, ISRAEL & KRASNOFF, LLP 1901 Avenue of the Stars, Suite 450 Los Angeles, California 90067-6006 Telephone: (310) 277-0077 Facsimile: (310) 277-5735  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Michael A. McConnell, Chapter 11 Trustee		<b>FOR COURT USE ONLY</b>  <div style="border: 1px solid black; padding: 10px; text-align: center;"><b>FILED &amp; ENTERED</b>  <b>DEC 05 2019</b>  CLERK U.S. BANKRUPTCY COURT Central District of California BY <u>handy</u> DEPUTY CLERK</div> <b>CHANGES MADE BY COURT</b>	
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA -NORTHERN DIVISION</b>			
<b>In re:</b>  HVI CAT CANYON, INC.,          <div style="text-align: right;">Debtor(s).</div>		<b>CASE NO.:</b> 9:19-bk-11573-MB <b>CHAPTER:</b> 11  <b>ORDER:</b> <input checked="" type="checkbox"/> <b>GRANTING APPLICATION AND SETTING HEARING ON SHORTENED NOTICE</b> <input type="checkbox"/> <del><b>DENYING APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE</b></del> <div style="text-align: right;"><b>[LBR 9075-1(b)]</b></div>	
<b>Movant (name):</b> Michael A. McConnell, Chapter 11 Trustee			

1. Movant filed the following motions together with supporting declarations and (if any) supporting documents:

- a. **Title of motions:** (1) Trustee's Motion for Order Authorizing the Rejection of all Contracts and Agreements with California Asphalt Production, Inc., formerly known as Santa Maria Refining Co. and Greka Refining Company, and GTL1, LLC, Not Previously Included in Prior Motion to Reject (the "Second Rejection Motion")
- (2) Trustee's Motion for Order Authorizing the Rejection of Oil Purchase Contracts (Contract No. COP-003 for Belridge Crude Oil and All Amendments and Contract No. COP-004 for Richfield Heavy Crude Oil and All Amendments) with California Asphalt Production, Inc. formerly known as Santa Maria Refining Co. and Greka Refining Company (the "First Rejection Motion")
- b. **Date of filing of motions:** (1) Second Rejection Motion – December 4, 2019  
(2) First Rejection Motion – November 27, 2019



2. Pursuant to LBR 9075-1(b), movant also filed an Application for Order Setting Hearing on Shortened Notice (Application) together with supporting declaration(s):

*Date of filing of Application:* December 4, 2019

3. Based upon the court's review of the application, it is ordered that:

- a. ☐ The Application is denied. The motion may be brought on regular notice pursuant to LBRs.  
b. ☒ The Application is granted, and it is further ordered that:

- (1) ☒ A hearing on both motions will take place as follows:

**Hearing date:**

December 10, 2019

**Time:** 11:00 a.m.

**Courtroom:** 303

**Place:**

☒ 21041 Burbank Boulevard, Woodland Hills, CA 91367

Parties may participate by video  
from Courtroom 202 in the  
courthouse located at 1415  
State Street, Santa Barbara, CA  
93101

- (2) ☒ No later than the deadlines given, **telephonic notice** of the hearing must be provided to all persons/entities listed:

(A) Deadlines:

Date: December 6, 2019

Time: Noon, Pacific Time

(B) Persons/entities to be provided with telephonic notice:

Counsel for California Asphalt Production, Inc.  
Counsel for GTL1, LLC  
Counsel for the Official Committee of Unsecured Creditors  
Counsel for UBS AG, London Branch  
Parties requesting special notice

☐ See attached page

(C) Telephonic notice is also required upon the United States trustee

- (3) ☒ No later than the deadlines given, **written notice of the hearing** and a **copy of this order** must be served upon all persons/entities listed using: ☒ one of the methods checked ☐ all of the methods checked

(A) ☒ Personal Delivery ☒ Overnight Mail ☒ First class mail ☒ NEF ☒ Email\*



(B) <u>Deadlines:</u> Date: December 6, 2019  Time:  So that it is received by Noon, Pacific Time.	(C) <u>Persons/entities to be served with written notice and a copy of this order:</u>  Counsel for California Asphalt Production, Inc. Counsel for GTL1, LLC Counsel for the Official Committee of Unsecured Creditors Counsel for UBS AG, London Branch Parties requesting special notice  <input type="checkbox"/> See attached page  (D) <u>Service is also required upon:</u> -- United States trustee ( <i>electronic service is not permitted</i> ) -- Judge's copy personally delivered to chambers ( <i>see Court Manual for address</i> )
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- (4) ☐ ~~No later than the deadlines given, a copy of the motion, declarations, and supporting documents (if any), must be served on all persons/entities listed using: ☐ one of the methods checked ☐ all of the methods checked~~

(A) ☐ ~~Personal Delivery~~ ☐ ~~Overnight Mail~~ ☐ ~~First Class Mail~~ ☐ ~~Facsimile\*~~ ☐ ~~Email\*~~

- (5) ☒ Regarding **opposition to the motion**

☒ opposition to the motion may be made **orally** at the hearing

- (6) ☒ Regarding a **reply to an opposition:**

☒ a reply to opposition may be made **orally** at the hearing.

- (7) ☒ Other requirements: No later than December 9, 2019, Movant must file a supplemental proof of service showing service of the Second Rejection Motion on GTL1, LLC.



- (8) ☒ No later than the deadlines given, movant must file a **Declaration of Notice and Service** establishing that telephonic notice, written notice, and service of the motion and this order was completed as set forth above, and a **judge's copy** of the Declaration of Notice and Service must be personally delivered to the judge's chambers:

☐ at least 2 days before the hearing.

☒ no later than: Date: December 9, 2019 Time:

\* Service by electronic means (facsimile or email) requires compliance with F.R.Civ.P. 5(b)(2)(E).

###

Date: December 5, 2019



Martin R Barash  
United States Bankruptcy Judge



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1901 Avenue of the Stars, Suite 450, Los Angeles, CA 90067-6006.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF HEARING ON: (1) TRUSTEE'S MOTION FOR ORDER AUTHORIZING THE REJECTION OF ALL CONTRACTS AND AGREEMENTS WITH CALIFORNIA ASPHALT PRODUCTION, INC., FORMERLY KNOWN AS SANTA MARIA REFINING CO. AND GREKA REFINING COMPANY, AND GTL1, LLC., NOT PREVIOUSLY INCLUDED IN PRIOR MOTION TO REJECT (DOCKET NO. 573); AND (2) TRUSTEE'S MOTION FOR ORDER AUTHORIZING THE REJECTION OF OIL PURCHASE CONTRACTS (CONTRACT NO. COP-003 FOR BELRIDGE CRUDE OIL AND ALL AMENDMENTS AND CONTRACT NO. COP-004 FOR RICHFIELD HEAVY CRUDE OIL AND ALL AMENDMENTS) WITH CALIFORNIA ASPHALT PRODUCTION, INC., FORMERLY KNOWN AS SANTA MARIA REFINING CO. AND GREKA REFINING COMPANY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On December 5, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. **SERVED BY UNITED STATES MAIL:** On December 5, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor  
HVI Cat Canyon, Inc.  
c/o Capitol Corporate Services, Inc.  
36 S. 18<sup>th</sup> Avenue, Suite D  
Brighton, CO 80601

Debtor  
HVI Cat Canyon, Inc.  
630 Fifth Avenue  
Suite 2410  
New York, NY 10111

☐ Service information continued on attached page.

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on December 5, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 5, 2019

Date

GLORIA RAMOS

Printed Name

/S/ GLORIA RAMOS

Signature



**ADDITIONAL SERVICE INFORMATION (if needed):**

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

- **William C Beall** will@beallandburkhardt.com, carissa@beallandburkhardt.com
- **Alicia Clough** aclough@loeb.com, mnielson@loeb.com, ladocket@loeb.com
- **Marc S Cohen** mscohen@loeb.com, klyles@loeb.com
- **Alec S DiMario** alec.dimario@mhlpl.com,  
debra.blondheim@mhlpl.com; Syreeta.shoals@mhlpl.com
- **Karl J Fingerhood** karl.fingerhood@usdoj.gov, efile\_ees.enrd@usdoj.gov
- **H Alexander Fisch** Alex.Fisch@doj.ca.gov
- **Don Fisher** dfisher@ptwww.com, tblack@ptwww.com
- **Brian D Fittipaldi** brian.fittipaldi@usdoj.gov
- **Gisele M Goetz** gmgoetz@hbsb.com, ggoetz@collegesoflaw.edu
- **Karen L Grant** kgrant@silcom.com
- **Ira S Greene** Ira.Greene@lockelord.com
- **Matthew C. Heyn** Matthew.Heyn@doj.ca.gov, mcheyn@outlook.com
- **Brian L Holman** b.holman@musickpeeler.com
- **Eric P Israel** eisrael@DanningGill.com,  
danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **Razmig Izakelian** razmigizakelian@quinnemanuel.com
- **Alan H Katz** akatz@lockelord.com
- **John C Keith** john.keith@doj.ca.gov
- **Jeannie Kim** jkim@friedmanspring.com
- **Maxim B Litvak** mlitvak@pszjlaw.com
- **Michael Authur McConnell (TR)** Michael.mcconnell@kellyhart.com
- **Brian M Metcalf** bmetcalf@omm.com
- **David L Osias** dosias@allenmatkins.com,  
bcrfilings@allenmatkins.com, kdemorest@allenmatkins.com, csandoval@allenmatkins.com
- **Darren L Patrick** dpatrick@omm.com, darren-patrick-1373@ecf.pacerpro.com



- **Jeffrey N Pomerantz** jpomerantz@pszjlaw.com
- **Todd C. Ringstad** becky@ringstadlaw.com, arlene@ringstadlaw.com
- **Mitchell E Rishe** mitchell.rishe@doj.ca.gov
- **Sonia Singh** ssingh@DanningGill.com,  
danninggill@gmail.com,ssingh@ecf.inforuptcy.com
- **Daniel A Solitro** dsolitro@lockelord.com, ataylor2@lockelord.com
- **Ross Spence** ross@snowspencelaw.com,  
janissherrill@snowspencelaw.com;donnasutton@snowspencelaw.com;brittanyDecoteau  
@snowspencelaw.com
- **Christopher D Sullivan** csullivan@diamondmccarthy.com,  
mdomer@diamondmccarthy.com;kmartinez@diamondmccarthy.com
- **Jennifer Taylor** jtaylor@omm.com
- **John N Tedford** jtedford@DanningGill.com,  
danninggill@gmail.com;jtedford@ecf.inforuptcy.com
- **Salina R Thomas** bankruptcy@co.kern.ca.us
- **Patricia B Tomasco** pattytomasco@quinnemanuel.com,  
barbarahowell@quinnemanuel.com;cristinagreen@quinnemanuel.com
- **Fred Whitaker** lshertzer@cwlawyers.com
- **William E. Winfield** wwinfield@calattys.com, scuevas@calattys.com
- **Richard Lee Wynne** richard.wynne@hoganlovells.com,  
tracy.southwell@hoganlovells.com;cindy.mitchell@hoganlovells.com
- **Emily Young** pacerteam@gardencitygroup.com,  
rjacobs@ecf.epiqsystems.com;ECFInbox@epiqsystems.com
- **Aaron E de Leest** adeleest@DanningGill.com,  
danninggill@gmail.com;adeleest@ecf.inforuptcy.com



**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**

**BY PERSONAL DELIVERY ALSSI – TO BE DELIVERED  
BY 12/6/19**

The Honorable Martin R. Barash  
U.S. Bankruptcy Court  
21041 Burbank Blvd.,  
Bin on the 1<sup>ST</sup> Fl. Outside Entry to the Intake Section  
Woodland Hills, CA 91367

**BY OVERNIGHT MAIL –FEDERAL EXPRESS**  
Your tracking number: 7771-6714-2311

Attorney for Asphalt Production, Inc., GTL1, LLC, The Official  
Committee of Unsecured Creditors, UBS AG, London  
Branch; and parties requesting special notice  
Susan M. Whalen, Esq.  
The Law Offices of Susan M. Whalen  
2806 Alta Street, PO Box 938  
Los Olivos, CA 93441

**BY OVERNIGHT MAIL – FEDERAL EXPRESS**  
Your tracking number: 7771-6728-4012

Attorney for BUGANKO  
Philip W. Ganong, Esq.  
Ganong Law  
930 Truxtun Avenue, Suite 102  
Bakersfield, CA 93301

**BY OVERNIGHT MAIL – FEDERAL EXPRESS**  
Your tracking number: 7771-6730-4338

Attorney for BUGANKO, LLC  
Eric M. Van Horn, Esq.  
Spencer Fane LLP  
2200 Ross Avenue, Ste 4800 West  
Dallas, TX 75201

**BY OVERNIGHT MAIL – FEDERAL EXPRESS**  
Your tracking number: 7771 6733 0780

Brian Fittipaldi, Esq.  
US Dept of Justice – OUST  
1415 State Street, Suite 148  
Santa Barbara, CA 93101